

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DASHON HINES,

Plaintiff

v.

INTERNAL REVENUE SERVICE,

Defendant

Decision and Order
20-MC-14-A

The Plaintiff, Dashon Hines, has been enjoined from filing any new actions in this Court without first seeking permission from the Court. *See In re Dashon Martel Hines*, 13-mc-0027 A, Dkt. No. 6 (First Sanction Order); Dkt No. 13 (Third Sanction Order). Specifically, Plaintiff has previously been the subject of orders issued by both this Court and the Second Circuit Court of Appeals limiting his ability to make filings in such Courts. *See In re Hines*, No. 17-2090, 2017 WL 6803304 (2d Cir. July 28, 2017) (stating that on May 5, 2016, the Second Circuit “entered an order in *In Re: Dashon Hines*, 15–4094 requiring [Plaintiff] to file a motion seeking leave of this Court prior to filing any future appeals”); *see also, In re Hines*, No. 13-MC-27A, 2005 WL 500800 (W.D.N.Y. Feb. 3, 2015) (barring Plaintiff from bringing actions in the Western District of New York for a year). While this Court’s decision in *In re Hines* was reversed by the Second Circuit to the extent that it barred Plaintiff from filing any type of case for any reason, *see, In re Hines*, No. 15-359 (2d Cir. Apr. 15, 2015) (Dkt. No. 26 in 15-359), this Court, on remand, afforded Plaintiff the opportunity to argue against this additional sanction. On November 24, 2015, this Court issued another order, requiring that Plaintiff file a request for permission to file a lawsuit in

the Western District and holding that Plaintiff would be fined if he had three or more request denied. (Dkt. No. 13 in 13-MC-27A). Plaintiff's subsequent appeal of that Order was denied by the Second Circuit on August 23, 2017. (Dkt. No. 25 in 13-MC-27A).¹ As such, the order remains in effect.

In early 2020, Hines filed the instant complaint in the United States District Court for the Northern District of New York. See, NDNY Case Number, 20-CV-469, Dkt. No. 1. On April 29, 2020, that Court transferred the action to the Western District of New York. See, WDNY Case Number 20-mc-00014, Dkt. No. 4. The Complaint is unintelligible. It purports to being an action under 42 U.S.C. § 1983, which is used to assert constitutional violations against an individual who acts under color of state law, but purports to bring action against the Internal Revenue Service, a federal agency. The alleged basis for his claim against the IRS is that "on April 15, 2020, the Internal Revenue Service issued tax relief in the amount of \$1200.00 . . . to my Bank Mobile Checking Account . . ." See, Dkt. No. 4, p.2.

Plaintiff's actions in filing this Complaint in the NDNY are reminiscent of so many others frivolous claims he has filed previously with the Court, which led the undersigned to comment at one time that the Plaintiff appeared to sue anyone or anything with whom he came in contact. Plaintiff was previously sanctioned by the Court for this same type of conduct and his effort to circumvent this Court's prior

¹ On March 1, 2018, the Second Circuit issued another order dismissing three consolidated appeals filed by this plaintiff because the appeals did not "depart from 'Petitioner's prior pattern of vexatious filings.'" *In re Hines*, Nos. 18-233, 18-310, 18-312 (2d Cir. Mar. 1, 2018) (Dkt. No. 18 in Second Circuit consolidated appeal).


sanction orders by filing this action in the Northern District of New York is obvious not only to the undersigned but to the Judge who transferred the case here from the NDNY. See, Dkt. No. 4 (Transfer Order), p. 6 ("this court suspects that Plaintiff has filed this action in the Northern District to avoid the Western District of New York bar order, requiring Plaintiff to file permission to bring an action, and providing for sanctions if Plaintiff files three or more requests which are denied. Plaintiff should not be allowed to avoid these requirements by filing another frivolous lawsuit in a different district. Thus, instead of recommending dismissal, this court will order Plaintiff's case to be transferred to the Western District of New York where it should have been filed and where Plaintiff may have to accept the consequences of any finding that his complaint does not comply with the Western District's orders).

As noted above, the Sanction Order presently in place specifically requires that Plaintiff, in addition to being required to file a Request for Permission each time he wished to file a new action, each time he had three or more Requests for Permission denied by the Court for any reason he would be fined \$500.00 and could not file any additional Requests for Permission to file a new action unless and until he paid the \$500.00. In addition to denying the Plaintiff's Request for Permission in this matter, notes that this counts as one new additional Request for Permission to file a new action. As Plaintiff has not yet paid the \$500.00 sanction previously imposed, the complaint must be dismissed and no additional complaints may be filed by Plaintiff in the Western District of New York until such sanction is paid. Accordingly,

IT IS HEREBY ORDERED that the Complaint is **DISMISSED** and the Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith and leave to appeal to the Court of Appeals as a poor person is denied; and it is further

IT IS FURTHER ORDERED that until Plaintiff submits to the "Clerk of Court" \$ 500.00, payable by check or money order, he will not be permitted to file any new Requests for Permission to file a new action and the Clerk of Court is directed that if the Plaintiff attempts to file a Request for Permission prior to submitting \$500.00 to the Clerk of Court, the Request for Permission shall not be accepted for filing and shall be returned to him.

IT IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: February 12, 2024
Buffalo, New York